

EXHIBIT 1

INTRODUCTION

Respondent Eris Wagner was a successful candidate for Superior Court Judge of Humboldt County during the June 2, 1998 primary election.¹ Eris Wagner for Superior Court Judge was her controlled committee (hereinafter “the Committee”).

For purposes of this Stipulation, the violations of the Political Reform Act (Act)² are as follows:

Count 1: Failure to file a pre-election campaign statement, in violation of Government Code sections 84200.5 and 84200.7.

Count 2: Failure to file a late contribution report, in violation of Government Code section 84203.

Respondents: Eris Wagner, and Eris Wagner for Superior Court Judge.

SUMMARY OF THE LAW

COUNT 1

Section 84200.5 of the Act requires that elected officers, candidates, and committees file pre-election statements, and further specifies that candidates being voted upon the first Tuesday after the first Monday in June shall file these statements in accordance with Section 84200.7. Pursuant to Section 84200.7, the first pre-election statement should be filed no later than March 22, for the period ending March 17, and the second pre-election statement be filed no later than 12 days before the election, for the period ending 17 days before the election.

COUNT 2

A late contribution is one which totals in the aggregate \$1,000 or more, and which is made to or received by a candidate, controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure, before the date of the election, but after the closing date of the last campaign statement required to be filed prior to the election. (Section 82036.)

If a late contribution is made or received, then a late contribution report must be filed disclosing the name and address of the contributor, the name and address of the recipient, and the candidate or ballot measure which is being supported. (Section 84203, subdivision (a).) A late contribution report

¹ Ms. Wagner was an unsuccessful candidate in the November 6, 1998, general election.

²The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

must be filed within 24 hours of the date the late contribution is made. (Section 84203, subdivision (b).)

SUMMARY OF THE FACTS

COUNT 1

Prior to the June 2, 1998, primary, Respondents had an obligation to file two pre-election campaign statements. The first statement was due by March 22, 1998, for the period January 1, 1998 through March 17, 1998. Respondents filed their first pre-election statement on March 20, 1998. The second statement was due by May 21, 1998, for the period March 18, 1998 through May 16, 1998. This statement was not filed. During the FTB audit, Ms. Wagner produced a copy of the statement which was signed by the treasurer on May 21, 1998, but was not signed by Ms. Wagner and was not file stamped.

William Jackson was the Committee's treasurer, and when contacted by the Commission during the investigation, he stated that he was surprised that the second pre-election statement had not been filed.

If properly filed, the pre-election statement would have disclosed that the Committee received contributions of \$21,499 during the reporting period, and made expenditures of \$24,760. A significant amount of the expenditures during this period were for media buys. Respondents' failure to file this statement constitutes a violation of Section 84200.5.

COUNT 2

The late reporting period prior to the June 2, 1998, primary election was from the close of the last campaign statement, May 16, 1998, until the date of the election, June 2, 1998. Any contribution of \$1,000 or more received during this period required the Respondents to file a late contribution report within 24 hours of receipt of the contribution. On May 21, 1998, Ms. Wagner loaned her committee \$15,780. Since this contribution was received during the late reporting period, Respondents should have filed a late contribution report, but failed to do so in violation of Section 84203.

CONCLUSION

Respondents also failed to file the original campaign statements with the Secretary of State's Office as required by Section 84215. However, other than the two instances listed above, Respondents filed all other statements and reports in a timely manner with the Clerk/Recorder of Humboldt County.

This matter consists of two counts, which carries a maximum possible administrative fine of four thousand dollars (\$4,000). The facts of the case justify imposition of the agreed upon fine of two thousand five hundred dollars (\$2,500.00).